

AMS/FAST CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 23-83

Date Received: May 15, 2023

Title: Reformatting of Unsolicited Proposal's

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Policy and Guidance: (Please check only one box)

- | | |
|---|--|
| <input type="checkbox"/> Policy | <input type="checkbox"/> Procurement Tools and Resources |
| <input checked="" type="checkbox"/> Guidance | <input type="checkbox"/> Real Property Templates and Samples |
| <input type="checkbox"/> Procurement Samples | <input type="checkbox"/> Procurement Clauses |
| <input type="checkbox"/> Procurement Templates | <input type="checkbox"/> Real Property Clauses |
| <input type="checkbox"/> Procurement Forms | <input type="checkbox"/> Other Tools and Resources |
| <input type="checkbox"/> Procurement Checklists | |

Summary of Change:

This change (1) updates formatting to Section T3.2.2.6 Unsolicited Proposals, of AMS Guidance, (2) allows for offerors of unsolicited proposals to suggest in their proposals the FAA service organization they believe is appropriate for formally evaluating their submission and (3) added new definitions to the section.

Reason for Change:

(1) Revised formatting to provide for content clarity (2) The change pertaining to offerors' ability to suggest an evaluating service organization is intended to increase FAA's efficiency and accuracy in evaluating unsolicited proposals.

Development, Review, and Concurrence: AAP-110/100

Target Audience: Contracting and Program Office Personnel

Briefing Planned: No.

ASAG Responsibilities: None.

Section / Text Location: AMS Procurement Guidance T3.2.2.6

The redline version must be a comparison with the current published FAST version.

- ☒ I confirm I used the latest published version to create this change / redline
or
☐ This is new content

Links: <https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.2.6.pdf>

Attachments: Redline and Final documents.

Other Files: N/A.

Redline(s):

Section Revised: T3.2.2.6 – Unsolicited Proposals

Procurement Guidance - (4/2023/2023)

[T3.2.2.6 - Unsolicited Proposals](#) Revised 10/2008

[A Unsolicited Proposals](#)

~~1 General~~ Revised 4/2023

~~2 Responsibilities~~ 1 Unsolicited Proposals Revised 4/2023/2023

~~3 Content of Unsolicited Proposal~~ Revised 4/2023

~~4 Receipt~~ Revised 4/2023

~~5 Record Management and Initial Review~~ Revised 4/2023

~~6 Evaluation~~ Revised 4/2023

~~7 Prohibitions~~ Revised 4/2023

[B Clauses](#)

[C Forms](#)

T3.2.2.6 - Unsolicited Proposals Revised 10/2008

A Unsolicited Proposals

~~1 General~~ Revised 4/2023

~~at:~~

1 Unsolicited Proposals Revised 4/2023 7/2023

a. Applicability. Section T3.2.2.6, Unsolicited Proposals applies exclusively to the offering and FAA's processing of unsolicited proposals (UPs).

b. Definitions. As used in this subsection—

(1) “Advertising Material” means material designed to acquaint the Government with a prospective contractor's present products, services, or potential capabilities, or designed to stimulate the Government's interest in buying such products or services.

(2) “Commercial product or commercial service offer” means an offer of a commercial product or commercial service that the vendor wishes to see introduced in the Government's supply system as an alternate or a replacement for an existing supply item. This term does not include innovative or unique configurations or uses of commercial products or commercial services that are being offered for further development and that may be submitted as an unsolicited proposal.

c. General.

(1) UPs allow unique and innovative ideas or approaches that have been developed outside of the Government to be made available to Government agencies for use in accomplishment of their missions. The FAA accepts UPs that are offered with the intent that the FAA will enter into a contract with the offeror for efforts which may include research and development or any other activity supporting the FAA mission.

~~b.~~

(2) Advertising material, commercial item offers, contributions, or routine correspondence on technical issues, are not unsolicited proposals.

~~e.~~

(3) A valid UP must:

~~(1)~~

(A) be innovative and unique;

~~(2)~~

(B) be independently originated and developed by the offeror;

~~(3)~~

(C) be prepared without FAA supervision, endorsement, direction, or direct Government involvement;

~~(4)~~

(D) include sufficient detail to permit a determination that FAA support could be worthwhile and the proposed work could benefit the FAA's research and development or other mission responsibilities;

~~(5)~~

(E) not be an advance proposal for a known agency requirement that can be acquired by competitive methods; and

~~(6)~~

(F) not address a previously published agency requirement.

(4) ~~d~~-UPs in response to a publicized, general statement of FAA needs are considered to be independently originated.

d. ~~2~~ Roles and Responsibilities ~~Revised 4/2023.~~

(1) ~~a~~-Office of Responsibility. The Acquisition Policy Division (AAP-100) has overall responsibility for managing and tracking all UPs received by the FAA. Offerors should send UPs to AAP-100 by email at AAP-Unsolicited-Proposals@faa.gov.

(2) ~~b~~-Signing Official. The Signing Official oversees AAP-100's management of UPs and affirms in writing final determinations made on all proposals. The Manager of AAP-100 serves as the Signing Official.

(3) ~~c~~-UP Coordinator. The UP Coordinator is a member of AAP-100 designated by the Signing Official who serves as the central point of contact for offerors. This role includes the receiving, tracking, and coordinating of UP reviews and evaluations by the applicable service organization.

(4) ~~d~~-UP Evaluator. UP Evaluators are representatives from FAA technical organizations determined by the UP Coordinator to have the subject matter expertise to conduct a comprehensive evaluation of a respective UP in accordance with this Guidance section.

~~3~~ Content of an Unsolicited Proposal ~~Revised 4/2023~~

e. To foster consideration in an objective and timely manner, an UP should contain the following information:

(1) ~~(a)~~ *Administrative Information*. Administrative information including-

~~(1A)~~ The offeror's name (i.e. the individual or entity submitting the proposal);

~~(2B)~~ The offeror's type of organization (e.g., profit, nonprofit, educational) and status as a small business, if applicable;

~~(3C)~~ Contact information such as the offeror's address and the names, email addresses and phone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;

~~(4D)~~ The names of other Federal, State, or local agencies or parties receiving the proposal or funding the proposed effort;

~~(5E)~~ Identification of proprietary data to be used only for evaluation purposes;

~~(6F)~~ The date of submission; and

~~(7G)~~ The signature of a person authorized to represent and contractually obligate the offeror.

~~(b)~~

(2) *Technical Information*. Technical information including-

~~(1A)~~ A concise title and abstract (approximately 200 words) of the proposed effort;

~~(2B)~~ A reasonably complete discussion stating ~~(i)~~:

i. the objectives of the effort or activity, ~~(ii)~~;

ii. the method of approach and extent of effort to be employed, ~~(iii)~~;

iii. the nature and extent of the anticipated results; and ~~(iv)~~

iv. the manner in which the work will help to support the ~~accomplishment~~ mission of the ~~FAA's mission; FAA.~~

~~(3C)~~ The names and backgrounds of the offeror's key personnel who will be involved; and

(4D) The type of support needed from the FAA (e.g., FAA property or personnel resources).

(e3) *Supporting Information*. Supporting information including-

(1A) The proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;

(2B) The period of time for which the proposal is valid (a 6-month minimum is suggested);

(3C) The type of contract preferred;

(4D) The proposed duration of the effort;

(5E) A brief description of the organization, previous experience, relevant past performance, and facilities to be used;

(6F) Statements related to organizational conflicts of interest, security clearances, and environmental impacts, if applicable;

~~(7)~~

~~(G) Statements of commitment or letters of support, if applicable~~

~~(H) The names and telephone numbers of FAA technical or other FAA points of contact already contacted regarding the proposal; and~~

~~(8) Statements of commitment or letters of support, if applicable.~~

~~(I) If known, the FAA service organization believed to be the appropriate evaluator of the UP (please note, FAA may determine a service organization other than offeror's suggested service organization is most appropriate for evaluation; if offeror does not suggest an appropriate service organization, AAP-100 will make the determination).~~

(4) *Length*. While submissions do not have a page or character limit, experience has demonstrated that few UPs require more than 20 pages to sufficiently explain the proposed work and other necessary information. Offerors are encouraged to submit a proposal that is brief and concentrates on substantive material essential for a complete understanding of the project. To ensure UPs can be processed efficiently by the agency, AAP-100 may return UPs received that are deemed excessively long in length.

f. 4 Receipt ~~Revised 4/2023.~~

(1) ~~a. Receipt~~—Upon receiving an UP, AAP-100 will notify the offeror of its receipt. AAP-100 seeks to return the final result of an UP (i.e. initial review and if applicable, evaluation) within

45 days after receipt. In some instances, a period of longer than 45 days may be necessary. AAP-100 will apprise offeror's of any extensions required when applicable.

(2) ~~b.~~ *Receipt Outside of AAP-100.* If an UP is erroneously submitted directly to a service organization rather than to AAP-100, the recipient should record the date of receipt and send the proposal to AAP-100. The recipient must not read the UP upon receipt, except to read any transmittal document to ascertain that an UP is being submitted. This safeguard is necessary to prevent any premature disclosure of any information which may be considered confidential or proprietary by the offeror.

(3) ~~c.~~ *Withdrawal or Revision.* The offeror may elect at any time after submission to withdraw or submit a revision to their proposal.

g. 5 Record Management and Initial Review ~~Revised 4/2023.~~

(1) ~~a.~~ *Record Management.* UPs are managed in accordance with FAA Order 1350.14B. To ensure UPs are adequately processed, AAP-100 will maintain and track the processing of UPs as follows:

(~~1A~~) Each UP will be given a designated log reference. The log reference is written with the fiscal year followed by a three digit number (e.g. FY2020-024);

(~~2B~~) A log comprising of general information related to all UPs received and a record of FAA's subsequent processing of each proposal will be kept;

(~~3C~~) UPs will be archived on a private, secure server accessible only to members of AAP-100;

(2) ~~b.~~ *Initial Review.* Initial reviews are reviews conducted by AAP-100 following the receipt of an UP. AAP-100 will review the proposal to determine if it is valid i.e. it complies with the requirements of ~~T3.2.2.6.A.1~~ subparagraph (3) of paragraph b. General, above and contains the required information listed in ~~T3.2.2.6.A.3~~ paragraph d. Content of an Unsolicited Proposal, above.

(~~1A~~) *Valid Determinations.* Should AAP-100 determine a submitted UP satisfies the requirements of this section, AAP-100 will forward the proposal to the appropriate technical organization with subject matter expertise who will then conduct an evaluation of the UP as described in T3.2.2.6.A.6 below.

(~~2B~~) *Invalid Determinations.* Should AAP-100 determine a submitted UP's contents are deficient with respect to the requirements of this section, such proposals will be deemed invalid. Offerors will be notified of the invalid determination and be provided an explanation of the deficiencies. Upon amending any such deficiencies, offerors may resubmit their proposal.

~~(3) e-~~ *Proprietary Data*. UPs may contain unique ideas which include proprietary data. Unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal, AAP-100 will place an electronic distribution notice on the UP stating the following: "UNSOLICITED PROPOSAL - USE OF DATA LIMITED. All Government personnel must exercise extreme care to ensure that information in this proposal is not disclosed outside the Government and is not duplicated, used, or disclosed in whole or in part for any purpose other than evaluation of the proposal without the written permission of the offeror. If a contract is awarded on the basis of this proposal, the terms of the contract must control disclosure and use. The notice does not limit the Government's right to use information contained in the proposal if it is obtainable from another source without restriction. This is a Government notice and will not by itself be construed to impose any liability upon the Government or Government personnel for disclosure or use of data contained in this proposal."

~~6~~ *Evaluation-Revised 4/2023*

~~h.~~ *a-UP Evaluator Responsibilities.*

- (1) *Receipt*. After receiving an UP from AAP-100, the UP Evaluator should promptly perform a preliminary assessment of the UP to determine whether it has been submitted to the appropriate office. If the UP Evaluator determines another office should perform the review, then the UP Evaluator must immediately return the UP to AAP-100 with advice about which office should perform the review.

If the UP Evaluator determines they are the correct office for evaluation, they should first identify and coordinate with any other organizations that should assist in the evaluation of the UP and advise AAP-100 accordingly. The UP Evaluator should ensure a comprehensive evaluation of the UP is completed within 30 days after receipt from AAP-100. Coordinating with other offices, if necessary, should be factored into the 30 day time period. If the review cannot be completed within 30 days, the UP Evaluator should advise AAP-100 of the reasons for the delay and when the evaluation is expected to be completed.

- ~~(2) (2)~~ UP Evaluators should consider the following when reviewing and deciding whether to support an UP:

~~(A) (a)~~ Unique and innovative methods, approaches or concepts are demonstrated;

~~(B) (b)~~ Overall scientific, technical, or socio-economic merits of the proposal;

~~(C) (c)~~ Potential contribution of the effort to the FAA's mission;

~~(d)~~

~~(D)~~ The offeror's capabilities, related experience, facilities, techniques or unique combinations of these which are integral factors for achieving the proposal

objectives; and

~~(E) (e)~~ The qualifications, capabilities and experience of the proposed principal investigator, team leader, or key personnel who are critical to achieving the proposal objectives.

~~(3) b.~~ Once the evaluation is completed, the UP Evaluator must advise AAP-100 of the results.

~~(A) (1)~~ *Not Supported.* If the proposal will not be supported, that is, the UP Evaluator determines that the FAA does not intend to support a contract award based on acceptance of the proposal, the UP Evaluator should provide AAP-100 a statement which includes appropriate comments explaining the specific reasons why the proposal will not be pursued. The UP Evaluator must at that time ensure any copies of the UP in their possession are deleted. AAP-100 will use the UP Evaluators feedback to formally respond to the offeror.

~~(B) (2)~~ *Supported.* If the proposal will be supported, that is, the UP Evaluator indicates the FAA seeks to negotiate a potential contract award based on acceptance of the proposal, the UP Evaluator must submit to AAP-100 a memorandum which includes a procurement request for the requirement and-

i. ~~(a)~~ A written justification to support a recommendation for a single source contract; or

ii. ~~(b)~~ If an interagency procurement is to sought to be used instead of a single source action, a written justification using a best interest determination. (*See T3.8.1.A.2 for information pertaining to inter-agency agreements*).

AAP-100 will refer the UP to FAA's Office of Acquisition and Contracting (AAQ) for potential negotiation and award. The Contracting Officer may request additional information, such as cost or pricing data and facilities information, during the negotiation process.

i. ~~7~~ Prohibitions ~~Revised 4/2023.~~

~~(1) a.~~ Government personnel must not use any data, concept, idea, or other part of an UP as the basis, or part of the basis, for a solicitation or in negotiations with any other firm unless the offeror is notified of and agrees to the intended use. However, this prohibition does not preclude using any data, concept, or idea available to the Government from other sources without restriction.

(2) ~~b.~~ Government personnel must not disclose restrictively marked information included in an UP. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized by law, may result in criminal penalties under 18 U.S.C. 1905.

B Clauses

[view contract clauses](#)

C Forms

[view procurement forms](#)